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15 RONNY ROJAS

16 UNITED STATES DISTRICT COURT  
17 CENTRAL DISTRICT OF CALIFORNIA  
18

19 UNITED STATES OF AMERICA,  
20 Plaintiff,  
21  
22 v.  
23 (02) RONNY ROJAS,  
24 Defendant.

Case No.: 22-CR-573-FWS

DEFENDANT ROJAS' *EX PARTE*  
APPLICATION FOR ORDER  
STAYING PROCEEDINGS;  
MEMORANDUM OF POINTS AND  
AUTHORITIES; DECLARATION  
OF COUNSEL

25 Defendant, Ronny Rojas, through counsel, Mark Windsor and Amy E. Jacks,  
26 submits this *Ex Parte* Application requesting the Court to order a stay of the trial in  
27 this matter, all other pretrial motion and other deadlines, including court ordered  
28 deadlines for parties to meet and confer, pending final resolution of Mr. Rojas'  
MOTION TO DISMISS THE INDICTMENT BASED ON THE UNLAWFUL

1 DESIGNATION OF BILAL A. ESSAYLI AS U.S. ATTORNEY FOR THE  
2 CENTRAL DISTRICT OF CALIFORNIA AND THE UNLAWFUL  
3 APPROPRIATION OF FUNDS TO THE OFFICE HE PURPORTS TO LEAD  
4 (Doc. 258).

5 In response to his September 15, 2025 request for a stipulation to stay  
6 proceedings pending the final outcome of the motion, counsel for Mr. Rojas were  
7 notified that “After consulting with our Office<sup>1</sup>, we do not believe a stay of the  
8 proceedings is necessary while the motion to dismiss is being litigated. Please note  
9 our opposition in any *ex parte* request.” See Exhibit 1, p. 1, September 16, 2025  
10 email from Danbee Kim.”

11 This application is based on the record of the case, the attached  
12 Memorandum of Points and Authorities and Declaration of Counsel and any other  
13 information that may be requested by the Court.

14 Dated: September 16, 2025

Respectfully submitted,

15 /s/ Amy E. Jacks

16 Amy E. Jacks

17 /s/ Mark Windsor

18 Mark Windsor

19 Attorneys for Defendant  
20 RONNY ROJAS

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27 <sup>1</sup> Neither Mr. Rojas nor his counsel know who Ms. Kim is referencing by “our Office.” Ms. Kim  
28 did not respond to Mr. Rojas’ inquiry attempting to identify the individuals handling the litigation  
or making the determination about Mr. Rojas’ request for a stipulated stay of the proceedings. See  
Exhibit 1 at p.1.

**MEMORANDUM OF POINTS AND AUTHORITIES**

Defendant Ronny Rojas hereby submits this *Ex Parte* Application for an Order Staying the trial in this matter, all other pretrial motion and other deadlines, including deadlines for parties to meet and confer and submit joint pretrial documents pursuant to the Court's Scheduling Order (Doc. 235), pending final resolution of Mr. Rojas' MOTION TO DISMISS THE INDICTMENT BASED ON THE UNLAWFUL DESIGNATION OF BILAL A. ESSAYLI AS U.S. ATTORNEY FOR THE CENTRAL DISTRICT OF CALIFORNIA AND THE UNLAWFUL APPROPRIATION OF FUNDS TO THE OFFICE HE PURPORTS TO LEAD (hereinafter "Motion to Dismiss") (Doc. 258).

Mr. Rojas filed his Motion to Dismiss on September 11, 2025. On September 12, 2025 this Court transferred Mr. Rojas' Motion to Dismiss to the Honorable J. Michael Seabright of the United States District Court for the District of Hawaii, pursuant to Orders from Chief United States Judge Dolly M. Gee (Docs. 259, 260, and 261). On Monday, September 15, 2025, Judge Seabright set a briefing and argument schedule for the Motion to Dismiss (Docket Entry 263). Declaration of Counsel, ¶¶ 2-4.

Mr. Rojas requests an order staying all proceedings in this action for the following reasons:

If Mr. Rojas continues to meet and confer with Essayli's prosecutors and respond to their inquiries and motions, he would be implicitly recognizing their authority to prosecute him, taking a position contrary to that outlined in his Motion to Dismiss. The Motion to Dismiss challenges the constitutional and statutory authority of Bilal A. Essayli, and his supervisees, to exercise the duties of the United States Attorney's Office for the Central District of California. As much as he wants to cooperate with the Court, Mr. Rojas does not intend to undermine the strength and authenticity of his challenge by continuing to act as if Mr. Essayli and the prosecution team are lawfully exercising prosecutorial power. Mr. Rojas

1 therefore cannot follow the dictates of the Court’s August 4, 2025 Order Setting  
2 Deadlines for Pretrial Documents (Doc. 235), which was made without the benefit  
3 of Mr. Rojas arguments about Mr. Essayli’s unlawful appointment or information  
4 regarding similar challenges in at least four other federal judicial districts.

5 If the Court fails to stay proceedings and thereby maintains its Order Setting  
6 Deadlines for Pretrial Documents (Doc. 235), the Court will essentially be  
7 recognizing Mr. Essayli’s authority to prosecute Mr. Rojas, making at least an  
8 implicit finding on the merits of the Motion to Dismiss. And, by compelling Mr.  
9 Rojas to comply with the pretrial scheduling order, the Court would be invoking its  
10 authority to direct Mr. Rojas to confer and respond to Mr. Essayli and his  
11 supervisees, individuals Mr. Rojas contends are acting without lawful authority to  
12 prosecute him. Whether implicit or explicit, making findings on, or taking any  
13 position as to issues addressed in, the Motion to Dismiss, would contravene Chief  
14 Judge Gee’s Order that “[A]ll district judges of the United States District Court for  
15 the Central District of California shall be recused from hearing motions concerning  
16 the disqualification of Acting United States Attorney Bilal A. Essayli.” (Doc. 259).

17 Forging ahead with the prosecution likely wastes the Court’s time and  
18 limited resources. If Mr. Essayli’s appointment is found to be unlawful, then any  
19 actions taken by Mr. Essayli or AUSAs operating under his supervision are *ultra*  
20 *vires*, done beyond his legal power or authority. *See, e.g., United States v. Trump*,  
21 730 F.Supp.3d 1245, 1302 (S.D. Fla. 2024). In such cases, which necessarily  
22 involve a “Government actor’s exercise of power that the actor did not lawfully  
23 possess,” the proper remedy is invalidation of the *ultra vires* action. *Collins v.*  
24 *Yellen*, 594 U.S. 220, 258 (2021) (collecting cases) and Motion to Dismiss at p. 6-7.  
25 If the Motion to Dismiss is granted or afforded an alternative remedy, this Court  
26 would be left trying to identify and re-litigate all *ultra vires* issues discussed,  
27 briefed, or decided while Mr. Essayli purported to exercise prosecutorial authority  
28 he lacked. This would be a waste of the Court’s time and resources.

1 If the Court fails to stay the trial in this matter, all other pretrial motion and  
2 other deadlines, including court ordered deadlines for parties to meet and confer,  
3 pending final resolution of the Motion to Dismiss, then Mr. Rojas may be tried and  
4 convicted of offenses by an unlawfully designated United States Attorney and his  
5 supervisees. If the prosecution were later invalidated as an *ultra vires* action based  
6 on full litigation of the Motion to Dismiss, then Mr. Rojas would have Double  
7 Jeopardy and Due Process claims against a future prosecution for the same or  
8 similar offenses. A trial under these circumstances would be a waste of the Court's  
9 time and resources and would diminish the authority and respect for the federal  
10 courts generally.<sup>2</sup>

11 Finally, Mr. Rojas' arguments in his Motion to Dismiss are not frivolous.  
12 Mr. Essayli likely lacks lawful authority to command the United States Attorney's  
13 Office in the Central District of California. In a similar case in the District of New  
14 Jersey, a United States District Court has already held that "Ms. Habba has  
15 unlawfully acted in the role of the United States Attorney for the District of New  
16 Jersey since July 1, 2025." *See United States v. Giraud Jr. and Giraud III*, 24-CR-  
17 768-MWB (D.N.J.) Memorandum Opinion dated August 21, 2025 (Doc. 144) at p.  
18 71; *see also United States v. Trump*, 740 F. Supp. 3d 1245, 1302 (dismissing  
19 "Special Prosecutor" Jack Smith's indictment of the former president because of his  
20 invalid appointment), *appeal dismissed*, No. 24-12311, 2025 WL 2017539 (11th  
21 Cir. Feb. 11, 2025).

22 After Judge J. Michael Seabright entered a scheduling order on the Motion to  
23 Dismiss on September 15, 2025, and for the foregoing reasons, counsel for Mr.  
24 Rojas reached out via email to seek a stipulation to stay proceedings in this case.  
25 Counsel was informed that "We are consulting with *our folks handling the*

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26 <sup>2</sup> Presumably, if the Motion to Dismiss is granted or if Mr. Rojas is afforded some other remedy  
27 by Judge Seabright, the government will then seek to appeal that decision and stay Mr. Rojas'  
28 trial. If that is the case, then the government's refusal to stipulate to a stay at this juncture is pure  
gamesmanship, designed to gain an advantage by using the district court's authority to compel  
early disclosures from Mr. Rojas regarding a trial that is likely to be delayed.

1 *litigation* and will get back to you.” See Exhibit 1 at p. 2 (emphasis added). In an  
2 effort to determine who, in fact, was handling the litigation involving Mr. Rojas,  
3 counsel for Mr. Rojas inquired who “*our folks*” referenced. *Id.* at 1. Ms. Danbee  
4 Kim responded on September 16, 2025 that “After consulting with *our Office*, we  
5 do not believe a stay of the proceedings is necessary while the motion to dismiss is  
6 being litigated. Please note our opposition in any *ex parte* request.” Ms. Kim failed  
7 to identify any individual(s) comprising “*our folks*” or “*our Office*.” See  
8 Declaration of Counsel, ¶ 5 and Exhibit 1.

9 For the foregoing reasons, Mr. Rojas requests the Court to issue an order  
10 staying the trial in this matter, all other pretrial motion and other deadlines,  
11 including court ordered deadlines for parties to meet and confer, pending final  
12 resolution of the Motion to Dismiss.

13  
14 Dated: September 16, 2025

Respectfully submitted,

15 /s/ Amy E. Jacks  
16 Amy E. Jacks

17 /s/ Mark Windsor  
18 Mark Windsor

19 Attorney for Defendant  
20 RONNY ROJAS  
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**DECLARATION OF COUNSEL**

1. I am an attorney admitted to practice in the State of California and the Central District of California. I am one of the attorneys that represents defendant Ronny Rojas. I submit this declaration in support of Mr. Rojas' Ex Parte Application for Order Staying Proceedings.

2. On September 11, 2025, Mr. Rojas filed his MOTION TO DISMISS THE INDICTMENT BASED ON THE UNLAWFUL DESIGNATION OF BILAL A. ESSAYLI AS U.S. ATTORNEY FOR THE CENTRAL DISTRICT OF CALIFORNIA AND THE UNLAWFUL APPROPRIATION OF FUNDS TO THE OFFICE HE PURPORTS TO LEAD (hereinafter "Motion to Dismiss") (Doc. 258).

3. On September 12, 2025 the Court transferred Mr. Rojas' Motion to Dismiss to the Honorable J. Michael Seabright of the United States District Court for the District of Hawaii, pursuant to Orders from Chief United States Judge Dolly M. Gee (Docs. 259, 260, and 261) (Docket Entry 262).

4. On Monday, September 15, 2025, Judge Seabright set a briefing and argument schedule for the Motion to Dismiss. (Docket Entry 263).

5. On September 15, 2025, I reached out via email to seek a stipulation to stay proceedings in this case. I was informed that "We are consulting with *our folks handling the litigation* and will get back to you." See Exhibit 1 at p. 2 (emphasis added). In an effort to determine who, in fact, was handling the litigation involving Mr. Rojas, I inquired who "*our folks*" referenced. See Exhibit 1 at p. 1 (emphasis added).

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1 6. On September 16, 2025, Ms. Danbee Kim responded that “After consulting  
2 with ***our Office***, we do not believe a stay of the proceedings is necessary while the  
3 motion to dismiss is being litigated. Please note our opposition in any *ex parte*  
4 request.” (emphasis added). Ms. Kim failed to identify any individual(s) comprising  
5 “***our folks***” or “***our Office***.” See Exhibit 1 at p. 1.

6 I declare under penalty of perjury of the laws of the United States that the  
7 foregoing is true and correct.

8 Dated: September 16, 2025

/s/ Amy E. Jacks

9 Declarant  
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